

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONVOLVE, INC. §  
§  
V. § Civil Action No. 2:08-CV-244 (CE)  
§  
DELL INC., §  
WESTERN DIGITAL CORPORATION, §  
HITACHI GLOBAL STORAGE §  
TECHNOLOGIES, INC. and HITACHI LTD. §

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**July 20, 2011  
Jury Trial Day Three**

**OPEN: 8:29 a.m.**

**ADJOURN: 5:14 p.m.**

ATTORNEYS FOR PLAINTIFF: James Anderson  
Eric Albritton  
Marla Butler  
Stephen Edwards  
Tara Sharp  
Elizabeth Thomas  
Bryan Vogel

ATTORNEYS FOR DEFENDANTS: Deron Dacus  
Eric Findlay  
Roger Fulghum  
Jeff Homrig  
Gene Schaerr  
Melissa Smith  
Kimbll Anderson  
Doug Lumish  
Michael Smith  
Bruce Wessel  
David Schwarz  
Garland Kelley  
Joseph Lee  
Richard Birnholz  
Tom Werner  
Anna Halsey  
Chris Ponder

LAW CLERK: Katrina Maher

COURT REPORTER: Shelly Holmes, CSR

COURTROOM DEPUTY: Jan Lockhart

8:29 a Court opened. Hearing outside the presence of the jury regarding various issues. Mr. Anderson argued on behalf of

8:52 a.m. Mr. Anderson conducted re-direct examination of Dr. Singer.

9:05 a.m. Bench conference.

9:06 a.m. Mr. Anderson continued his re-direct examination of Dr. Singer.

9:35 a.m. Mr. Lumish conducted re-cross examination of Dr. Singer.

9:45 a.m. Bench conference held.

9:46 a.m. Mr. Lumish continued his re-cross examination of Dr. Singer.

9:50 a.m. Mr. Dacus conducted re-cross examination of Dr. Singer.

9:58 a.m. Ms. Smith conducted re-cross examination of Dr. Singer.

10:00 a.m. Mr. Anderson conducted re-direct examination of Dr. Singer.

10:05 a.m. Mr. Dacus conducted re-cross examination.

10:06 a.m. Mr. Anderson conducted re-direct examination.

10:07 a.m. Morning recess until 10:25.

10:30 a.m. Court reconvened. Mr. Albritton called Dr. Satoshi Yamamoto to testify by video deposition.

10:45 a.m. Mr. Albritton called Hitachi witness Yuji Yokoe to testify by video deposition.

11:00 a.m. Mr. Albritton called Hitachi witness Steven Luethje to testify by video deposition.

11:02 a.m. Mr. Albritton called Hitachi witness Daniel Colegrove to testify by video deposition.

11:07 a.m. Mr. Anderson called Brendan Collins to testify as an adverse witness. Mr. Collins was previously sworn.

11:34 a.m. Mr. Findlay conducted cross examination of Mr. Collins.

11:59 a.m. Lunch recess until 1:15 p.m. Jury excused.

12:00 p.m. Court ruled on various motions.

12:01 p.m. Court adjourned.

1:14 p.m. Hearing outside the presence of the jury regarding in camera documents. Mr. Lumish spoke on behalf of Hitachi. Mr. Wessel spoke on behalf of Western Digital.

1:17 p.m. Jury returned to courtroom. Mr. Findlay continued his examination of Mr. Collins.

1:43 p.m. Mr. Anderson conducted re-direct examination of Mr. Collins.

1:52 p.m. The parties passed the witness. Mr. Albritton presented Orhan Beker, a Western Digital representative, by video deposition.

2:08 p.m. Mr. Wessel indicated that a portion of the Defendant's deposition clip of Mr. Beker may have been excluded. The Court responded.

2:09 p.m. Next, Mr. Albritton presented Brian Decker, a Dell Computer witness, by video deposition.

2:37 p.m. Mr. Albritton presented Ronald Gurr by video deposition.

2:45 p.m. Mr. Albritton presented Thomas Colligan by video deposition.

2:50 p.m. Mr. Anderson called Dell's corporate witness to testify. Mr. Fulghum indicated that the4 corporate witness was Brett McAnally. Mr. McAnally was previously sworn and examined under oath.

3:11 p.m. Court excused jury. The Court gave various rulings concerning spoliation, depositions, etc.

3:12 p.m. Afternoon recess.

3:37 p.m. Court reconvened. Mr. Kimball Anderson conducted cross examination of Mr. McAnally.

4:11 p.m. Re-direct examination by Mr. James Anderson.

4:20 p.m. The parties passed the witness.

4:21 p.m. Mr. Albritton called Kent Van Liere to testify. Dr. Van Liere was previously sworn and was examined under oath.

5:00 p.m. Mr. Kimball Anderson conducted cross of Dr. Van Liere.

5:14 p.m. Jury excused. Jury Note received. Court adjourned.